

§Appl. No. 10/676,048
Amdt. dated March 7, 2005
Reply to Office Action of, December 6, 2004

REMARKS/ARGUMENTS

Independent claim 1, which now includes the limitations of claims 20 and 9, and claims 2-19 and 21-26 remain in this application for examination. The subject matter of claim 20, modified by claim 9 is now placed in independent form in claim 1.

Claim Rejections Under 35 U.S.C. §112:

Claims 2, 3 and 4 have been rejected under 35 U.S.C. §112, second paragraph because there is insufficient antecedent basis for the limitation "molding strip" in line 3 of claim 2 and in claim 3, the term "a coupling" is considered by the Examiner to be indefinite. Applicant has amended claims 2 and 3 to address this concern and since claim 4 depends from claim 3, the amendment clarifies claim 4 as well. Note that in claims 2 and 3, the limitations apply to the inside stop arrangement of claim 1 that retains a molding strip, such as the molding strip 70 of Fig. 2 or 120 of Figs 7 and 8, which molding strip holds the window unit 12 in place.

Claim Rejections Under 35 U.S.C. §102:

These rejections are now moot in that independent claim 1 is now dependent claim 20, with the limitations of claim 9 inserted therein, placed in independent form.

Claim rejections under 35 U.S.C. §103:

Claims 5, 6, 9, 10, 15 and 16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Card in view of Lagrue et al. Applicant respectfully traverses the rejection of the subject matter of claims 20-25 as being unpatentable over Card in view of Lagrue et al.

Considering first Card '894, which is the primary reference in this combination, as the Examiner admits, Card does not disclose the following limitations of claim 1 as amended to include the subject matter of claim 20:

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the top, bottom and sidewalls are a continuous extrusion of plastic material having abutting edges positioned at cuts through the extrusion.

Note first that the walls of Card '894 corresponded by the Examiner to Applicant's claimed walls 32, 33, 34 and 35 are not made of plastic material. Moreover, as the Examiner understands, there is no disclosure whatsoever in Card '894 of the walls being a continuous extrusion of plastic material having abutting edges positioned at cuts through the extrusion. Clearly, Cards "window assembly frame" corresponded by the Examiner to Applicant's claimed "window sleeve arrangement", designated generally by the reference numeral 10, is deficient as a reference against Applicant's independent claim 1 for at least these reasons.

In an attempt to cure the deficiencies of Card '894 as a reference against Applicant's claims, the Examiner combines Card with Lagrue et al. '854. Applicant respectfully submits that this combination of references does not establish a *prima facie* case of obviousness under 35 U.S.C. §103(a). Card '894 and Lagrue et al. '854 are directed to different fields of endeavor in that Card '894 is a frame for receiving an already configured window therein whereas Lagrue et al. '854 is directed to apply a profile to a windowpane. Moreover, the frame of Card is for use in buildings, whereas Lagrue et al. is not a supporting frame but is rather an extruded profile which is provided to corners of a window glazing for automotive vehicles. Note that the invention disclosed in Lagrue et al. is set forth in column 4 as "a frame profile (e.g., weather strip, water seal, spacer, etc.) to a glazing/substrate (e.g., glass or plastic substrate) in the context of a vehicle window unit". There is absolutely no disclosure in Lagrue et al. of the frame profile shape providing a window sleeve arrangement such as that claimed by Applicant, wherein the window sleeve defines an enclosure which receives therein a window unit having a window frame surrounding at least one glass pane. Rather, Lagrue et al. is directed to a window unit, not structure which receives the window unit.

As is pointed out in Applicant's specification, Applicant addresses the problem of providing a more reliable, less labor intensive and therefore less expensive approach to mounting frame windows

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(see page 1, last paragraph.) There is no disclosure whatsoever in Lagrue et al. in using an extruded flame to facilitate and improve the mounting of framed windows within a wall of an enclosure such as a building. With respect to Card '894, Card does not recognize the same problems with window sleeves that Applicant addresses with his invention.

Clearly, there is no suggestion in either Card or Lagrue et al. that these disclosures should be combined. This is because neither reference identifies the problem addressed by the Applicant. Since there is no suggestion in either reference, the only motivation for combining these references is Applicant's own disclosure and claim limitations. Clearly if the motivation is provided by Applicant's own teachings, and not Card or Lagrue et al. then Card and Lagrue et al. do not establish *prima facie* evidence of obviousness.

Claims 1-8 and 10-19 each depend from claim 1 and therefore further limit claim 1. Accordingly, these claims are allowable over the combination of Card and Lagrue et al. for the same reasons that claim 1 is allowable.

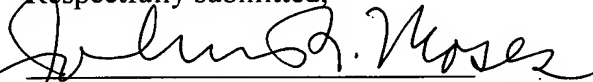
Claims 21-25 now all depend from the subject matter from claim 20 because they are dependent therefrom. Therefore, they are clearly allowable for the same reasons as claim 20 in independent for, i.e., claim 1. Each claim is directed to the concept of making walls of a window sleeve from an extrusion of plastic material, rather than to a method to applying extruded profile to corners of a window glazing, as taught by Lagrue et al.

In that this is a full and complete response to the Office Action of December 6, 2005, this application is now in condition for allowance. If the Examiner for any reason feels a personal conference with Applicants' attorneys might expedite prosecution of this application, the Examiner is respectfully requested to telephone the undersigned locally.

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The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John R. Moses", is written over a horizontal line.

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Date: March 7, 2005

Atty. Docket No. ROYAL-0004